IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 123 OF 2006
IN
WRIT PETITION NO. 4373 OF 2006

D.D. Kamble ..Petitioner

Vs.

Shankar Ghule and ors. ..Respondents

Mr. P.M. Pradhan for petitioner.
Mr. A.Y. Sakhare, Senior Counsel with Mr.N.N. Bhadrashete for respondent nos.1 and 2-org.petitioners.
Ms. V.S. Mhaispurkar, AGP for respondent nos.3 to 6.

CORAM: B.H. MARLAPALLE, J.

Date : October 04, 2006.

P.C.:

1. Heard Mr. Pradhan the learned counsel for the petitioner, Mr. Sakhare the learned Senior Counsel with Mr.Bhadrashete for respondent nos.1 and 2 and Ms. Mhaispurkar, the learned AGP for respondent nos.3 to 6.

2. This review petition prays for recall of the order dated 2/8/2006 by which Writ Petition No.4373 of 2006 was disposed off by directing fresh inquiry.

3. It is now contended that notice under Section 21A of the Maharashtra Co-operative Societies Act, 1960 was issued and published in the newspaper called "Punya Nagari", published from Thane and the original petitioners were aware of the said notice and some of them had, in fact, appeared before the Divisional Joint Registrar, Co-operative Societies, Konkan Division in the inquiry.

4. The Divisional Joint Registrar, Co-operative Societies, Konkan Division has also filed an affidavit in reply and in a way has supported this review petition by stating that the notice under Section 21 of the Act read with Rule 18C of the Rules 1961 was undertaken to be published by Mr.Kamble, the present petitioner, and as per the undertaking he had published the same. On record there is no documentary evidence to show that the undertaking was, in fact, complied with by Mr.Kamble and whether the said newspaper had wide circulation at Thane or not is an issue which need not be gone into in this review petition.

5. When the order under review was passed, an officer from the office of the Divisional Joint Registrar was present along with the record and it was not pointed out that the public notice was published in some of the leading newspapers. Under the circumstances, this review petition cannot be entertained. However, Mr. Pradhan, the learned counsel for the petitioner-Mr.D.D. Kamble, points out that the original petitioners are trying to take further steps on the basis of the order under review and they should be restrained from doing so till the inquiry is completed.

6. The review petition is rejected summarily and the parties are directed to maintain status quo in respect of the subject property development/allotment till the Divisional Joint Registrar passes a fresh order in obedience of the order dated 2/8/2006 passed in Writ Petition No.4373 of 2006.

(B.H. Marlapalle,J.)